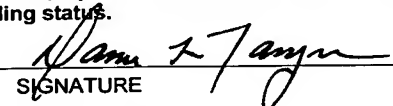



FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 2-2005)		ATTORNEY'S DOCKET NUMBER 14321.75						
<b>TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b> <b>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="font-size: 24pt; font-weight: bold; text-align: center;">10/536649</div>						
INTERNATIONAL APPLICATION NO. PCT/JP2004/009773	INTERNATIONAL FILING DATE 02 July 2004	PRIORITY DATE CLAIMED 04 July 2003						
TITLE OF INVENTION INTERFERENCE OPTICAL SWITCH AND VARIABLE OPTICAL ATTENUATOR								
APPLICANT(S) FOR DO/EO/US <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Takayuki Mizuno</td> <td style="width: 33%;">Tsutomu Kitoh</td> <td style="width: 33%;"></td> </tr> <tr> <td>Hiroshi Takahashi</td> <td>Manabu Oguma</td> <td>Shunichi Souma</td> </tr> </table>			Takayuki Mizuno	Tsutomu Kitoh		Hiroshi Takahashi	Manabu Oguma	Shunichi Souma
Takayuki Mizuno	Tsutomu Kitoh							
Hiroshi Takahashi	Manabu Oguma	Shunichi Souma						
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:								
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))           <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol>								
Items 13 to 23 below concern document(s) or information included:								
<ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input checked="" type="checkbox"/> A substitute specification.</li> <li>18. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input checked="" type="checkbox"/> Express Mail Label No. EV 629 666 729 US</li> <li>23. <input checked="" type="checkbox"/> Other items or information:  <div style="margin-left: 20px;">postcard</div> </li> </ol>								

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/536649		PCT/JP2004/009773		14321.75	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input checked="" type="checkbox"/> Basic national fee	\$300	\$	\$300.00		
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). All other situations.	\$100 \$200	\$	\$200.00		
26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority International Search Report prepared and provided to the Office All other situations.	\$100 \$400 \$500	\$	\$500.00		
TOTAL OF 24, 25 and 26 =				\$	\$1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
220 - 100 =	120 /50 =	3	x \$250.00	\$	\$750.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	104 - 20 =	84	x \$50.00	\$	\$4,200.00
Independent claims	1 - 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$5,950.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$5,950.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$5,950.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$40.00
TOTAL FEES ENCLOSED =				\$	\$5,990.00
				Amount to be	\$
				Amount to be	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-3178</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Dana L. Tangren Workman Nydegger</p> <p><b>022913</b> PATENT TRADEMARK OFFICE CUSTOMER NO.</p>					
				SIGNATURE	
				NAME	Dana L. Tangren
				37,246	
				REGISTRATION NUMBER	

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>				Docket No. 14321.75	
Applicant(s): Takayuki Mizuno et al.					
Serial No.	Filing Date	Confirmation No.	Customer No. 022913	Examiner	Group Art Unit
Invention: INTERFERENCE OPTICAL SWITCH AND VARIABLE OPTICAL ATTENUATOR					
<p>I hereby certify that the following are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop: PCT, Commissioner for Patents, PO Box 1450, Arlington, Virginia 22313-1450.</p> <p>DATED this 27<sup>th</sup> day of May 2005.</p> <ul style="list-style-type: none"><li>◦ Transmittal Letter concerning filing under 35 USC § 371 (2 page) (in duplicate)</li><li>◦ Assignment with cover sheet form PTO-1595 (4 pages)</li><li>◦ Combined Declaration and Power of Attorney (5 pages)</li><li>◦ Copy of International Application No. PCT/JP2004/009773</li><li>◦ English translation of PCT/JP2004/009773 (178 pages)</li><li>◦ English translation of drawings (42 pages)</li><li>◦ Copy of International Search Report</li><li>◦ Preliminary Amendment (53 pages)</li><li>◦ 14 sheets of Replacement drawings</li><li>◦ 14 sheets of Annotated drawings</li><li>◦ A marked substitute specification showing changes (134 pages)</li><li>◦ A clean substitute specification (122 pages)</li><li>◦ Form PTO-2038 submitting Credit Card Payment in the amount of \$5,990</li><li>◦ Postcard</li></ul> <p>DANA L. TANGREN</p> <p>_____ (Typed or Printed Name of Person Mailing Correspondence)</p> <p> _____ (Signature of Person Mailing Correspondence)</p> <p>EV 629 666 729 US</p> <p>_____ ("Express Mail" Mailing Label Number)</p>					
W:\14321\75\DFW0000014006V001.doc					